

NOTICE OF PROPOSED RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations –Title 19

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period ending on December 8, 2008.

If a written request for a hearing is received the State Fire Marshal will hold a public hearing as scheduled below:

Wednesday, December 10, 2008:

**Resources Building
First Floor Auditorium
1416 Ninth Street
Sacramento, CA 95814
From 2:30 pm to 5 pm**

The public hearing facilities are accessible to persons with mobility impairments. If any special assistance is required (i.e. interpreter), please notify the contact person named in this notice at least 15 days prior to the public hearing.

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action for 45 days beginning October 24, 2008 until 5:00 p.m. on December 8, 2008.

Send mailed comments to:

**OFFICE OF THE STATE FIRE MARSHAL
Attention: Diane Arend
P.O. Box 944246
Sacramento, CA 94244-2460**

Or by e-mail to
ProposedAESLimitedLicense@fire.ca.gov

Or you may fax your comment to:
Attention: Diane Arend
(916) 445-8459

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section(s): 13195, 13196.5 and 13197 with reference to 13195, 13196.5, 13197 and 13198 Health and Safety Code.

INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to adopt: Title 19 CCR, Division 1, Chapter 5, Section(s) 901, 905 and 905.2 Automatic Fire Extinguishing Systems. The State Fire Marshal proposes to adopt these regulations pursuant to Health and Safety Code Sections 13195, 13196.5 and 13197 that requires the State Fire Marshal to develop regulations and establish fees for the protection and preservation of life and property to control the servicing, testing and maintaining of automatic fire suppression systems. These proposed regulations will establish an "A" license (Type L) and establish \$135 fee for the primary location of the Type L license and \$100 fee for additional locations with an inspection made by the local fire authority. These proposed regulations will establish an "A" license (Type L) and establish \$335 fee for the primary location of the Type L license and \$100 fee for additional locations with an inspection made by the State Fire Marshal. These proposed regulations will also establish a \$200 licensing re-inspection fee for the second and each subsequent re-inspection. There is no fee for the first re-inspection. State law authorizes the State Fire Marshal to establish fees to support the operation of the State Fire Marshal's Automatic Extinguishing System Program which includes inspections, re-inspections and investigations. The funds are deposited into a separate State Fire Marshal Licensing and Certification Fund pursuant to Health and Safety Code Section 13137.

The State Fire Marshal utilized the recommendations of the State Fire Marshal Automatic Extinguishing Systems Advisory Committee in developing the proposed regulations and license fees.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**

6. Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other States: **None**
 7. Cost impact on representative private persons or affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
 8. Adoption of these regulations **will not**:
 - a) create or eliminate jobs within California;
 - b) create new businesses or eliminate existing businesses within California; or
 - c) affect the expansion of businesses currently doing business within California.
7. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS:

The State Fire Marshal has made the initial determination that the fees proposed to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The State Fire Marshal amendment to these regulations does not have an impact on small business in that these regulations will allow public and private entities that have trained personnel on staff to conduct certain annual testing and maintenance of wet sprinkler systems, standpipe systems and private fire service mains providing a license cost savings.

The expressed terms of the proposed action are written in plain English and are available from the agency contact person.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5 subdivision (a) (13) the State Fire Marshal must determine that no alternative considered by it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquires concerning the proposed regulatory action or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to:

Diane Arend, Senior Deputy State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 324-9592

Fax: (916) 445-8459
E-mail: diane.arend@fire.ca.gov

Alternate Contact:

James Parsegian
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 445-8415
E-mail: James.Parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register. The State Fire Marshal has prepared a statement of reasons for the proposed action. The full text of the regulations, along with the statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Diane Arend at the address or telephone number listed above or through our website at <http://osfm.fire.ca.gov>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days prior to the date which the State Fire Marshal adopts, amends or repeals the regulations. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Arend at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>